

1 KELLER BENVENUTTI KIM LLP
Jane Kim (#298192)
2 (jkim@kbbkllp.com)
David A. Taylor (#247433)
3 (dtaylor@kbbkllp.com)
Thomas B. Rupp (#278041)
4 (trupp@kbbkllp.com)
650 California Street, Suite 1900
5 San Francisco, CA 94108
Tel: 415 496 6723
6 Fax: 650 636 9251

7 *Attorneys for Debtors and Reorganized Debtors*

8
9 **UNITED STATES BANKRUPTCY COURT**
NORTHERN DISTRICT OF CALIFORNIA
10 **SAN FRANCISCO DIVISION**

11 **In re:**

12 **PG&E CORPORATION,**

13 **- and -**

14 **PACIFIC GAS AND ELECTRIC**
COMPANY,

15 **Debtors.**

- 16 ☐ Affects PG&E Corporation
17 ☐ Affects Pacific Gas and Electric
Company
18 ☒ Affects both Debtors

19 ** All papers shall be filed in the Lead
Case, No. 19-30088 (DM).*

Case No. 19-30088 (DM)

Chapter 11
(Lead Case) (Jointly Administered)

**STATUS CONFERENCE STATEMENT
REGARDING REORGANIZED DEBTORS'
SEVENTY-SIXTH OMNIBUS OBJECTION
TO CLAIMS – CLAIM OF WILLIE & ORA
GREEN (CLAIM NO. 80673)**

[Related to Docket No. 10537]

Date: March 29, 2022

Time: 10:00 a.m. (Pacific Time)

Place: Tele/Videoconference Appearances Only
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 **I. PRELIMINARY STATEMENT**

2 In advance of the March 29, 2022, 10:00 a.m. omnibus hearing (the “**Hearing**”), PG&E
3 Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric Company (the “**Utility**”), as debtors and
4 reorganized debtors (collectively, the “**Debtors**” or the “**Reorganized Debtors**”) in the above-
5 captioned chapter 11 cases (the “**Chapter 11 Cases**”), hereby submit this status conference statement
6 in connection with their objection to the claim of Willie & Ora Green (Claim No. 80673) (the “**Green**
7 **Claim**”) through the *Reorganized Debtors’ Seventy-Sixth Omnibus Objection to Claims (No Liability*
8 */ Passthrough Claims)* [Docket No. 10537] (the “**Omnibus Objection**”).

9 **II. PREVIOUS STATUS CONFERENCES**

10 The Green Claim asserts a claim in the amount of \$30,877 to replace the Greens’ driveway and
11 garage floor. In the Omnibus Objection, the Reorganized Debtors argue that they are not liable on the
12 Green Claim because (i) the Greens have not satisfied their burden of proving that the alleged damage
13 to their driveway and garage floor was caused by the construction work of PG&E or its contractor,
14 (ii) the Greens have not proven the amount of their alleged damages, and (iii) the construction work
15 in question was performed not by PG&E, but a third party contractor.

16 On October 19, 2021, November 9, 2021, and December 21, 2021, the Court held status
17 conferences on the Omnibus Objection, with Mr. and Ms. Green and counsel for the Reorganized
18 Debtors present.¹

19 It has been the Reorganized Debtors’ hope that, with the benefit of having an opportunity for
20 their chosen expert to observe the Greens’ driveway and garage, this matter may be able to be resolved
21 consensually and without the need for further litigation. With the Court’s guidance at the December 21
22 status conference, the Reorganized Debtors and the Greens were able to arrange for such a visit.

23
24
25 ¹ Prior to the October 19 status conference, the Reorganized Debtors filed a Reply brief (the
26 “**Reply**”) and supporting declarations [Docket Nos. 11408, 11409, and 11410], which are
27 incorporated by reference herein. The status conference statements filed by the Reorganized Debtors
28 prior to the November 9 status conference [Docket No. 11544], the November 23 status conference
(which did not go forward) [Docket No. 11606] and the December 21 status conference [Docket
No. 11710] are also incorporated by reference herein. Capitalized terms used but not defined herein
have the meanings ascribed to them in the Reply.

1 On January 24, 2022, Mark D. Fuhriman of Kleinfelder, Inc. conducted a site visit to observe
2 the driveway and garage floor at 2845 Magnolia Street in Oakland, California. Mr. Fuhriman was
3 accompanied by his colleague at Kleinfelder, John Nicolini, and a representative of PG&E.
4 Representatives for the Greens were also present, and the Greens themselves observed the site visit
5 through a contemporaneous video call with their representatives. The report detailing Mr. Fuhriman's
6 and Mr. Nicolini's observations, findings, and conclusions (the "**Kleinfelder Report**") is attached as
7 an exhibit to the *Declaration of Mark D. Fuhriman in Support of Reorganized Debtors' Seventy-Sixth*
8 *Omnibus Objection to Claims with Respect to Proof of Claim No. 80673 Filed by Willie & Ora Green*,
9 filed concurrently herewith.

10 On March 21, 2022, the Reorganized Debtors shared the Kleinfelder Report with the Greens
11 and made a new settlement offer to them. The settlement offer is a privileged communication. As of
12 the filing of this statement, the Greens have not responded to the settlement offer or to the Reorganized
13 Debtors' suggestion that the status conference with respect to the Green Claim be continued. The
14 Reorganized Debtors remain open to any productive settlement discussions or other avenues for
15 consensual resolution of this claim.

16 **III. MATTERS TO BE DISCUSSED AT THE MARCH 29, 2022 HEARING**

17 The Reorganized Debtors believe that the findings and conclusions in the Kleinfelder Report
18 persuasively and conclusively refute the allegations by the Greens that the Debtors' contractor is
19 responsible for the damage to the Greens' driveway and garage. The Kleinfelder team's response to
20 the expert report submitted by the Greens is set forth in Appendix C to the Kleinfelder Report. Should
21 the Court find the conclusions of the Kleinfelder Report to be persuasive, it necessarily rebuts the
22 allegations by the Greens that the damage to their garage and driveway was caused by the Debtors.

23 The Reorganized Debtors believe that, absent a consensual resolution, it will be necessary to
24 have a short evidentiary hearing, lasting no more than two hours, at which each party would have the
25 opportunity to cross-examine the other party's expert. Subject to the availability of the Court, the
26 parties, and their chosen experts, the Reorganized Debtors propose that such an evidentiary hearing
27 take place sometime in May. The Reorganized Debtors also propose that each party be allowed to
28 submit a short (no more than ten pages) brief seven days prior to the date of the evidentiary hearing.

1 The Reorganized Debtors look forward to discussing these issues with the Court at the
2 March 29, 2022 hearing.

3
4 Dated: March 25, 2022

KELLER BENVENUTTI KIM LLP

5
6 /s/ Thomas B. Rupp

Thomas B. Rupp

7 *Attorneys for Debtors and Reorganized Debtors*
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28